

STUDENT WELFARE:
FREEDOM FROM HARASSMENT

FFH (REGULATION)
(EXHIBIT)

The following exhibits provide forms to be used in investigating claims of sexual harassment:

Exhibit A: Sexual Harassment – Investigation Checklist – 3 pages

Exhibit B: Student Report of Sexual Harassment – 1 page

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EXHIBIT A

<p>Northwest Independent School District Sexual Harassment – Investigation Checklist</p>

Name of Complainant	Date of Complaint
Name of individual(s) against whom complaint is made:	
Name of witnesses indicated by complainant:	
Nature of complaint	

Assign an investigator

- This should be a person with whom the complainant will feel comfortable discussing the situation – if possible, same sex. Allow the complainant to be accompanied by a friend, parent, etc. Investigator should possess strong interpersonal skills and sensitivity, be articulate and thorough in conducting an interview. This person is likely to be a key witness should litigation arise.

- Name of Investigator: _____

Conference with complainant – as soon as possible, but within seven (7) calendar days – see “Assign an Investigator” for conference setting

- Date of Conference: _____
- Discuss the following:
 - District will not tolerate sexual harassment.
 - Help complainant feel secure about presenting allegations.
 - Assure complainant that retaliation is not tolerated.
 - Assure complainant that confidentiality will be maintained to the extent possible.
 - Assure complainant that limited disclosure may be necessary in order to investigate.
- Interview complainant first and ascertain credibility.
- Request complainant to make a written complaint (sworn statement if possible); if refuses, investigator shall document; record date and circumstances of interview – see Exhibit B.

If allegations of sexual abuse are made or suspected, refer to FFG (REGULATION) for detailed instructions before proceeding.

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Protect Complainant

- Take action to protect complainant from alleged situation.
- Warn accused in writing, if necessary, to avoid contact with complainant pending disposition of complainant.
- Inform accused that the District will not tolerate retaliation.

Notifications

- If sexual abuse is suspected, notify CPS, an appropriate law enforcement agency, and the District's Title IX Coordinator -- refer to FFG (REGULATION) for procedures to follow.
- Notify parents of allegations
 - Involving sexual harassment by students, that are not minor.
 - Involving sexual harassment by an employee, regardless of severity.
 - Involving sexual abuse by a student or nonemployee (CPS/law enforcement agency responsible).
 - Involving sexual abuse by an employee (administrator will notify within four hours of the time he/she became aware of the suspected abuse).
- Document attempts made to contact parents if they cannot be reached.
- Inform parents of the investigation process, their rights, and provide name of District's Title IX Coordinator -- **provide parents with a copy of Board Policy FFH.**
- Notify student/parents if extenuating circumstances will delay the investigation beyond seven (7) calendar days.
- Notify the District's Title IX Coordinator of sexual harassment reports that are not minor.
- Provide parents with periodic written updates.

Investigation -- Investigate complaint promptly and thoroughly -- **Investigation should be completed within seven (7) calendar days of conference.** *Divulge no information regarding identity of victim or accused unnecessarily when interviewing witnesses.*

- Secure any physical evidence.
- Note taking
 - Take detailed notes.
 - Read notes to witness to verify accuracy.
 - Audio-tape, if possible.
 - Summarize interview notes; ask witness to view them for accuracy and sign.
 - If witness refuses to sign or allow use of name, retain document for record.
- Interview witnesses to corroborate complainant's testimony.
- Interview accused
 - Take written or sworn statement, if possible.
 - Present each allegation and permit opportunity to respond.
- Interview witnesses identified by accused to corroborate his/her version.

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Documentation

- Document all efforts made in the investigation.
- Prepare a written investigation report.
- Records of the investigation must be maintained until at least two years after the complainant's 18th birthday by the District's Title IX Coordinator.

Results of Investigation

- Complaint Dismissed**
 - Follow up to assure that behavior giving rise to the allegations does not recur.
 - Advise student and parents of right to appeal through Board policy FNG and their right to file a complaint with the Office of Civil Rights.
- Complaint Warranted**
 - Employee perpetrator
 - ✓ Appropriate course of disciplinary action may include a warning, formal reprimand, reassignment, paid or unpaid suspension, nonrenewal, or termination.
 - ✓ Report findings to Commissioner of Education if employee is nonrenewed, terminated, or if the employee resigned.
 - Student perpetrator
 - ✓ Appropriate course of disciplinary action may include verbal warning, reprimands, counseling, in-school suspension, out-of-school suspension, placement in a DAEP, expulsion, or other sanction consistent with the student code of conduct and state law.
 - Advise student and parent that while the perpetrator was disciplined, the specifics are confidential.

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EXHIBIT B

Northwest Independent School District Student Report of Sexual Harassment
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Sexual harassment is a violation of law and District policy. The purpose of this form is to assist you in describing your allegations of sexual harassment and to guide the person investigating your complaint.

Name of Student Filing Complaint	School
Name(s) of the individual(s) against whom you are filing this complaint:	
For each person listed above, please describe in detail the following (Please use additional paper if necessary):	
a. The specific act(s) complained of:	
b. The approximate date and location of each specific act:	
c. Your response or reaction to each act:	
Name(s) of any individual(s) who might have information about your allegations or who might have witnessed the alleged act(s) of misconduct:	
Are there any written documents, notes, or letters relevant to your complaint? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please bring the documents so that photocopies can be made for the investigation file.	

My signature indicates that the above information is true and correct to the best of my knowledge.

Signature of Student	Date
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For Administrative Use Only	
Date Received	Investigator Assigned

Copies: Administrator Receiving Complaint
Title IX Coordinator